

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

WHARF RETAIL PROPERTIES, LLC,
Plaintiff,

v.

LANDMARK AMERICAN INSURANCE CO.,
Defendant.

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CIVIL ACTION: 1:22-00449-KD-B

ORDER

This matter is before the Court on Defendant's unopposed motion to continue the January 18, 2024 evidentiary hearing. (Doc. 86).

Upon consideration, it is **ORDERED** that that the motion (Doc. 86) is **GRANTED IN PART** as follows: this matter is **RESCHEDULED** for an **evidentiary hearing** on **January 19, 2024** at **9:00 a.m.** in Courtroom 4B of the United States Courthouse, 155 Saint Joseph St., Mobile, AL, 36602.

Pursuant to Daubert v. Merrell Dow Pharm. Inc., 509 U.S. 579 (1993), the parties are instructed to be prepared to present to the Court, at this evidentiary hearing, any witnesses and evidence they deem necessary regarding the motion. The parties are advised that the expert witnesses may appear at the evidentiary hearing either in person or via video-conference. If any witnesses will appear via video-conference, the parties shall contact Courtroom Deputy Nicole Hawkins (251-694-4272) **no later than January 11, 2024** to make the necessary arrangements and to schedule a test of the video system. Moreover, the parties shall confer and agree upon the order of appearance of the expert witnesses for the hearing and jointly file a Notice of Order of Appearance by **January 11, 2024**.

DONE and ORDERED this the **26th** day of **December 2023**.

/s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE